

REMARKS

Claims 1-30 are pending in the present application.

Summary of Teleconference / 35 U.S.C. §101 Rejection

Initially, the Applicants thank Examiner Shu for his time in the teleconference of September 16, 2004. During the teleconference, Applicants discussed the 35 U.S.C. §101 [statutory double patenting] rejection stating that claims 4-33 in co-pending Application No. 09/842,899 [the '899 application] are duplicates of claims 1-30 in the present application. To remedy this statutory double patenting rejection, it was suggested that duplicate claims 4-33 of the co-pending '899 application be cancelled to make the rejection moot in the instant application.

Thus, Applicants cancelled claims 4-33 in a Supplement Amendment submitted to Examiner Rampuria, on September 16, 2004, who is examining of the co-pending '899 application. The Examiner is kindly requested to withdraw the statutory double patenting rejection for the present application.

The Examiner also requested that we submit the prior art cited in the co-pending '899 application, with a brief explanation of why the claims are not taught by the cited references. Although, Applicants submit that their duty of disclosure does not extend to arguing over references applied in another application, in an effort to expedite prosecution and eliminate issues, Applicants have complied with the Examiner's request.

Submitted Prior Art for claims 4-33 of Application No. 09/842,899

The Examiner for Application No. 09/842,899 has submitted as prior art Sladek, U.S. Patent No. 6,622,016, Nevo, U.S. Patent No. 6,320,873, Lorhtia, U.S. Publication No. US-2003/0211845, Bianconi, U.S. Publication No. US-2002/0119766, and Kari, U.S. Patent No. 6,480,485.

Sladek and Kari were the only references used in prior art rejections of the duplicate claims by the Examiner of the '899 application. The following arguments are submitted to overcome the prior art rejections for the pending claims of the present application.

In the '899 application, Examiner Rampuria stated that Sladek discloses “comparing the service information and user information with the associated network information” (page 5 of the Office Action dated June 4, 2004). Examiner Rampuria indicates that Sladek discloses this feature in column 15, lines 51-63 and column 28, lines 14-33. In column 15, lines 51-63, Sladek discloses a method of changing an HLR maintained subscriber profile. In column 28, lines 14-33, Sladek discloses another method of modifying an HLR maintained subscriber profile. However, Sladek does not disclose or suggest comparing a request with “network information” as recited in independent claims 1, 4, 7, 12, 17, and 24 of the present application.

Examiner Rampuria further alleged that Kari discloses “billing for the requested service” (page 5 of the Office Action dated June 4, 2004). However, even if Kari were to disclose this one particular feature, Kari cannot overcome the deficiencies of Sladek as discussed above, since Kari does not teach or suggest comparing a request with “network information” as recited in independent claims 1, 4, 7, 12, 17, and 24 of the present application.

Claims 2-3, 5-6, 8-11, 13-16, 18-23, and 25-30 are likewise allowable over Sladek and Kari at least for the reasons given above with respect to independent claims 1, 4, 7, 12, 17, 24 of the present application.

CONCLUSION

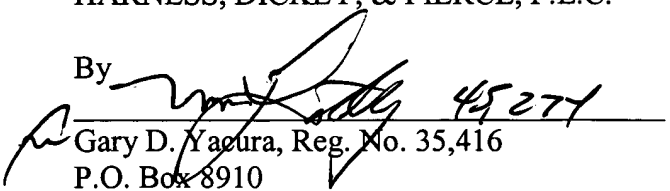
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By


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